

REMARKS

Claims 1-8 are pending in this application. Non-elected claims 3, 4, and 6 are withdrawn from consideration by the Examiner. By this Amendment, claims 1, 3, and 7 are amended, and claim 8 is added. Support for the amendments to the claims and new claim 8 may be found, for example, in the specification at paragraph [0047] and in the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Rejections Under 35 U.S.C. §103

The Office Action rejects, under 35 U.S.C. §103(a): (1) claims 1, 2, and 7 as having been obvious over JP 09-276708 to Yoshinori et al. ("Yoshinori") in view of U.S. Patent No. 3,959,520 to Hoyer et al. ("Hoyer"); and (2) claim 5 as having been obvious over Yoshinori in view of Hoyer, and further in view of U.S. Patent No. 5,459,119 to Abe et al. ("Abe").

Applicants respectfully traverse the rejections.

Claims 1 and 7 are directed to a filter catalyst where particles forming the slurry having a diameter of 1 μm or less are present in an amount of 70% or more by weight of an entire amount of particles forming the slurry. The applied references would not have rendered obvious the claimed filter catalyst for at least the following reasons.

Yoshinori teaches the use of alumina slurry having a particle diameter of 2 μm or less, particles having a diameter within this range being in an amount of 15% or less by weight of the entire amount of the slurry. See claim 1. Yoshinori discloses activated alumina having an average diameter of 5 μm . See paragraph [0023] and Drawing 3. However, Yoshinori does not teach a preferable average particle diameter and does not teach that 70% or more of the alumina have a particle diameter of 1 μm or less. Thus, Yoshinori does not disclose particles having the recited particle diameter in the recited amount.

Furthermore, Yoshinori teaches that if the particle diameter of the alumina slurry is 0.2 μm or less, the particle will infiltrate between the micro cracks formed at the cordierite, thereby closing the cordierite and reducing the amount of heat absorbed by the cordierite. See paragraph [0011]. To resolve this problem, Yoshinori teaches using alumina particles having an average particle diameter of 5 μm . See paragraph [0023] and Drawing 3. From this teaching, one of ordinary skill in the art would have understood that Yoshinori resolves the problem by increasing the number of alumina particles having a particle diameter of more than 0.2 μm or decreasing the number of particles having a diameter of less than 0.2 μm . Thus, in view of Yoshinori, one of ordinary skill in the art would not have been motivated to use 70% or more of slurry particles having a diameter of 1 μm or less.

Indeed, a filter catalyst with a uniform coating layer could not have been achieved by using alumina particles having an average particle diameter of 5 μm . Applicants submit that using alumina particles with excessively large particle diameters, such as 5 μm , results in reduced fluidity of the slurry due to the interaction between the large particles. Thus, the slurry cannot be sufficiently removed to form a uniform coating layer.

Hoyer and Abe do not disclose a particle diameter of slurry particles and, thus, fail to cure the deficiencies of Yoshinori.

For at least these reasons, the applied references would not have rendered obvious claims 1, 2, 5, and 7. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

II. Rejoinder

Applicants respectfully request rejoinder of non-elected method claims 3, 4, and 6. Because process claims 3, 4, and 6 include substantially all the limitations of product claim 1, process claims 3, 4, and 6 should be rejoined with the product claim when the product claim is found allowable. Because the product claim is believed to be allowable for at least the

reasons presented above, Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of claims 3, 4, and 6.

III. New Claim

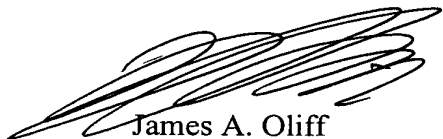
By this Amendment, new claim 8 is presented. New claim 8 depends from claim 1 and, thus, distinguishes over the applied references for at least the reasons discussed above with respect to claim 1. Prompt examination and allowance of new claim 8 are respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

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